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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/989,271	11/20/2001	Michael C. Smyk	FCI-2632/C3069	9590
7590	02/28/2005		EXAMINER	
Andrew J. Hagerty Woodcock Washburn LLP 46th Floor One Liberty Place Philadelphia, PA 19103			HARVEY, JAMES R	
			ART UNIT	PAPER NUMBER
			2833	

DATE MAILED: 02/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

CT

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/989,271	SMYK, MICHAEL C.	
	<b>Examiner</b>	<b>Art Unit</b>	
	James R. Harvey	2833	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 2-1-05 (RCE).
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 45-58 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 45-58 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 20 November 2001 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

***Papers Crossing in the Mail***

It appears that the office sent an advisory action after receiving a Request for Continued Prosecution. This appears to have occurred because the papers have crossed during the mailing process.

The prosecution history is as follows. The final office action was mailed 11-1-04. Applicant's response after the final office action was filed at the office on 12-29-04. The examiner typed an advisory action and sent it to be mailed 1-27-05. Applicant's RCE was filed 2-01-05. The actual mail date of the advisory action was 2-9-05. Please disregard the advisory action.

***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2-1-05 has been entered.

***Claim Rejections - 35 USC § 102***

- The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

\*\* Claim(s) 45-58 are rejected under 35 U.S.C. 102(b) as being anticipated by Foreign Patent EP 0 893 850 A2( herein after referred to as FP 850' ).

-- In reference to Claim(s) 45, FP 850' shows (figure 3 )

a contact section for mating with a complementary male terminal, the contact section including a bottom wall 13;

a first set of sidewalls 18 that define a first tubular portion with the bottom wall; and a second set of sidewalls 14, which are longer than the first set of sidewalls, that define a second tubular portion with the bottom wall, the second tubular portion arranged end to end with the first tubular portion; and

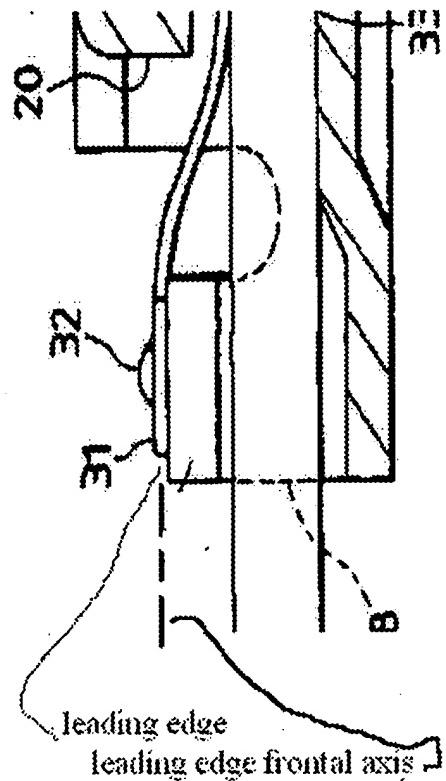
a flexible contact element 10 at least partially disposed within the contact section in a non-fixedly secured manner ( column 5, lines 33-37 ) for urging a complementary male terminal into engagement with the bottom wall.

-- In reference to Claim(s) 46, FP 850' shows (figure 3 ) the flexible contact

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element includes a leading edge (near the lead line of numeral 31) that is positioned outside of the contact section.

-- In reference to Claim(s) 47, FP 850' shows (cover sheet) the flexible contact element includes a leading edge (see examiner's figure), and wherein the female electrical terminal is devoid of any structure prohibiting frontal access to the flexible contact element leading edge (see examiner's figure).



-- In reference to Claim(s) 48, FP 850' shows (cover sheet)

a contact section for mating with a complementary male terminal, the contact section including a first tubular portion comprising a first set of sidewalls; and

a second tubular portion comprising a second set of sidewalls and being arranged end to end with the first tubular portion;

a geometrically central axes of the first and second tubular portions are misaligned; and a flexible contact element at least partially disposed within the contact section in a non-fixedly secured manner ( column 5, lines 33-37 ) for urging a complementary male terminal into engagement with the bottom wall.

-- In reference to Claim(s) 49, FP 850' shows (cover sheet) the flexible contact element includes a leading edge that resides outside of the contact section.

-- In reference to Claim(s) 50 and 53, FP 850' shows (cover sheet) the flexible contact element includes a leading edge (see examiner's figure), and wherein the female electrical terminal is devoid of any structure prohibiting frontal access to the flexible contact element leading edge.

-- In reference to Claim(s) 51, FP 850' shows (cover sheet and (figure 3) an opening (near the lead line of numeral 20 ) is defined at an interface between the first tubular portion and the second tubular portion; and

a portion of the flexible contact element extends into the opening.

-- In reference to Claim(s) 52, FP 850' shows

a contact section for mating with a complementary male terminal, the contact section including a first tubular portion comprising a first set of sidewalls; and

a second tubular portion comprising a second set of sidewalls and being arranged end to end with the first tubular portion;

the first tubular portion has an effective cross-sectional area that is a different size than that of the second tubular portion; and

a flexible contact element at least partially disposed within the contact section in a non-fixedly secured manner ( column 5, lines 33-37 ) for urging a complementary male terminal into engagement with the bottom wall.

-- In reference to Claim(s) 53, it is addressed above with claim 50.

-- In reference to Claim(s) 54, FP 850<sup>1</sup> shows (cover sheet)

a contact section including a set of converging sidewalls that define an insertion pathway for a complementary male terminal, the insertion pathway having a cross-sectional area that is smaller than a tubular portion that is proximate the set of converging sidewalls; and

a flexible contact element partially disposed within the contact section in a non-fixedly secured manner ( column 5, lines 33-37 ) for urging a complementary male terminal into engagement with a contact section bottom wall;

wherein the female electrical terminal is devoid of any structure prohibiting frontal access to the flexible contact element leading edge.

-- In reference to Claim(s) 55-58, FP 850<sup>1</sup> teaches that the spring member 30 can be detachably mounted ( column 5, line 34-36 ). When the spring member 30 is in the detached state it is not attached and makes the recitation "the flexible contact element 30 is not attached to the contact section" unpatentable.

***Response to Applicant's Remarks***

-- In response to applicant's argument ( page 5 of 6, lines 10-12 ) concerning that because the spring member is detachably mounted, it necessarily is attached when it is mounted is not convincing. The examiner is not convinced because the relevant claim language is non-fixedly secured and the reference teaches that the spring member 30 can be fixedly mounted ( column 3, line 32 ) and the spring member 30 can also be detachably mounted ( column 5, line 36 ) so that it can be easily removed from the terminal body ( column 5, line 38 ).

Detachably is seen to anticipate the claimed word "non-fixedly" and mounted is seen to anticipate the claim word "secured" ( see attached definition from The American Heritage Dictionary).

-- In response to applicant's argument ( page 5 of 6, line 12-14 ) concerning applicant's assertion that there does not appear to be any distinction between attached and fixed, the examiner disagrees. The examiner disagrees because FP'850 is seen to disclose two distinct teachings. The first distinct teaching is that the spring member 30 can be fixed by a rivet or welding ( column 5, lines 34 and 35 ). The second distinct teaching is that the spring member 30 can be detachably mounted through retaining and fitting connections ( column 5, line 36 ).

-- In response to applicant's argument ( page 5 of 6, line 15-17 ) concerning that FP'850 does not show attachment or coupling, the examiner is not convinced. The examiner is not convinced because applicant has not shown what part of the claims the recitation "attachment or coupling" is precisely claimed; the claim language defines applicant's invention and arguments based upon words that are not precisely claimed are considered moot.

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Further, FP'850 teaches that the spring member 30 can be detachably mounted through retaining and fitting connections ( column 5, line 36 ). The retaining and fitting connections are seen to be equivalent to attachment or coupling.

-- In response to applicant's argument (page 5 of 6, line 18-20 ) concerning that FP 850' teaches away from a not attached state, the examiner disagrees. FP 850' teaches that the spring member 30 can be detachably mounted ( column 5, line 34-36 ). When the spring member 30 is in the detached state it is not attached.

*Conclusion*

Effective May 1, 2003, the United States Patent and Trademark Office has a new Commissioner for Patents address. Correspondence in patent related matters must now be addressed to:

**Commissioner for Patents**

**P. O. Box 1450**

**Alexandria, VA 22313-1450**

For additional information regarding the new address, see Correspondence with the United States Patent and Trademark Office, 68 Fed. Reg. 14332 (March 25, 2003).

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- Any inquiry concerning this communication or earlier communications from the examiner should be directed to James R. Harvey whose telephone number is 571-272-2007. The examiner can normally be reached on 8:00 A.M. To 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula A. Bradley can be reached on 571-272-2800 extension 33.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2800.

- Effective **October 1, 2003**, all patent application related correspondence transmitted by facsimile must be directed to the central facsimile number, **(703) 872-9306**, with a few exceptions. *See Fax Automation in Technology Center 1700, 1237 Off. Gaz. Pat. Office* 140 (August 29, 2000). Replies to Office actions including after-final amendments that are transmitted by facsimile must be directed to the central facsimile number. Unofficial correspondence such as draft proposed amendments for interviews may continue to be transmitted by facsimile to the Technology Centers.
- Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James R. Harvey, Examiner

jrh

February 22, 2005

A handwritten signature in black ink, appearing to read "JAMES R HARVEY". It is written over a horizontal line that starts under the "jrh" initials and ends under the date "February 22, 2005".